

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AKORN HOLDING COMPANY LLC, *et al.*,¹

Debtors.

Chapter 7

Case No. 23-10253 (KBO)

(Jointly Administered)

GEORGE MILLER, Chapter 7 Trustee of the
bankruptcy estates of Akorn Holding Company
LLC, *et al.*,

Plaintiff,

v.

CENCORA, INC. f/k/a
AMERISOURCEBERGEN DRUG
CORPORATION, MWI VETERINARY SUPPLY
CO.,

Defendants.

Adv. Proc. No. 24-50043 (KBO)

Related Adv. D.I.: 1 & 48

**CERTIFICATION OF COUNSEL REGARDING DEFENDANTS’
MOTION TO DISMISS COUNTS V AND VI OF THE COMPLAINT**

The undersigned counsel to the above-captioned plaintiff (“Plaintiff”) and defendants (“Defendants”, and together with Plaintiff, the “Parties”) hereby certify as follows:

1. On April 15, 2024, Plaintiff commenced the above-captioned adversary proceeding by filing the *Complaint for (I) Payment of Goods Sold and Delivered, (II) Breach of Contract, (III) Account Stated, (IV) Unjust Enrichment (In the Alternative), (V) Turnover of Accounts Receivable, and (VI) Disallowance of Claims* [Adv. D.I. 1] (the “Complaint”).

¹ The Debtors in these Chapter 7 Cases, along with the last four digits of each Debtor’s federal tax identification number, are: Akorn Holding Company LLC (9190); Akorn Intermediate Company LLC (6123) and Akorn Operating Company LLC (6184). The Debtors’ headquarters was located at 5605 CenterPoint Court, Gurnee, Illinois 60031.

2. On April 17, 2024, Plaintiff served the Complaint, together with the Summons filed on April 17, 2024 [Adv. D.I. 8], on Defendants.

3. On November 15, 2024, Defendants filed a motion to dismiss counts five and six of the Complaint [Adv. D.I. 48] (the “Partial Motion to Dismiss”).

4. On December 4, 2024, the Court entered the *Second Amended Scheduling Order* [Adv. D.I. 52], establishing discovery deadlines for the above-captioned adversary proceeding.

5. Plaintiff has agreed not to contest Defendants’ Partial Motion to Dismiss and no other party has objected to the relief requested in the Partial Motion to Dismiss. Accordingly, the Court may enter the proposed order attached to the Partial Motion to Dismiss (the “Proposed Order”) attached hereto as **Exhibit A** at its earliest convenience.

6. The deadlines set forth in the Second Amended Scheduling Order shall apply with respect to the remaining counts in the Complaint.

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WHEREFORE, the Parties respectfully request that the Court enter the Proposed Order at its earliest convenience.

Dated: December 16, 2024

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